UNITED STATES PATENT AND TRADEMARK OFFICE

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10/560,109	01/17/2006	Calin Turcanu	P1712US00	2893

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EXAMINER
LAM, DUNG LE

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .
2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _14,17,18 and 21-30_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _14,17,18 and 21-30_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All b)☐ Some * c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____ .
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claim **14, 17-18 and 20-30** rejected under 35 U.S.C. 103(a) as being

unpatentable over **Mathis** (US Patent Number 2003/0119540) in view of **Griffin** (US

Pub. 20040015547) further in view of **Lopponen** (US Pub. 2002/0150091).

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2.   Regarding *claim* **14**, **Mathis** teaches a method comprising:

- storing a list of subscribers in a phonebook application <u>into a phonebook stored</u> in a

  subscriber device ([0013, 0009, 0004]),

- storing presence information of the subscribers in the phonebook ([0013, 0009, 0004]),

  said presence information including information on the availability of the subscribers for

  a group call ([0010-0013]);

- Opening the phonebook application in response to a predetermined input from the user

  interface ([0018], "client device is operated by the user to consult contact list" would

  require a predetermined input for the display to display a contact list, step 410 in Fig. 4)

- Displaying the list of subscribers on the user interface ([0018], user consult contact list, step 420 in Fig. 4).

- receiving user's selection of two or more individual subscribers as for a group call from the list via the user interface (dynamically selecting group TG1 means users A and B are selected which broadly reads on the limitation of "selection of two or more subscribers", Fig. 2; [0016, 0018); and

- in response to the user selecting a predetermined operation in the group communications menu or the user pressing a predetermined button, providing appropriate control plane function_signaling with a group communication service in a network infrastructure for establishing a ... group call with said selected subscribers and the user of the subscriber device (Step 430 & S450 where user presses PTT button, then the control function sets up the group call service including assigning resources which reads on control plane function, [0013, 0018-0019).

However, **Mathis** does not specifically teach, "an ad-hoc group call and sending a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call, wherein said speech item or said speech item request is sent".

In an analogous art, **Griffin** teaches

- selection of two or more individual subscribers as an ad-hoc group for a new ad-hoc group call from the list via the user interface (Fig. 9 and 10 shows multiple subscribers can be dynamically selected which is indicated by the darkened square icons 906, [0039-0040], "If there is at least one buddy selected, ...a new thread to the selected buddies."; [0041] "To partially select a group, a user can start by

selecting a group then deselecting one or more member....alternatively a user can start with an unselected group and select one or more members");

- **Griffin** further teaches, "sending a speech item or a speech item request each time a talk activity is detected or indicated in the subscriber device during said ad hoc group call, wherein said speech item or said speech item request is sent (Fig. 10, [0049-0050, 0062, 0066] and Fig 14). That user definition is placed in the terminal's 100 temporary storage 309 ([31, 42]).

Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to include **Griffin**'s teaching of the ad-hoc group call to allow the user the flexibility to dynamically select who to talk to and not be restricted to a predefined group and Griffin's teaching of sending a speech item request each time a talk activity is detected with Mathis' teaching in order to facilitate the push-to-talk process.

However, the above references do not explicitly teach sending speech item based on settings defined in user plane functions.

In an analogous art, **Lopponen** teaches a push-to-talk method that sends speech item/packet based on settings defined in the user-plane functions ([0066, 0107-0108, 170, 180,199]). Lopponen further teaches a control plane functions which handles the establishing of the sessions and attaching to a group, wherein a user presses PTT and the appropriate control function is triggered establishing the group call ([00599, 100, 110,120, 122]) and "deleting the user's selection of the ad-hoc group from the phonebook when said new ad-hoc group call ends " (Fig. 5, last two steps, link and bearer is released would results in deleting the select group [0005, 0122, 0182]. Since

the bearer and link was setup to be associated with and based on the selected group, dissolving/releasing this bearer/link would also entail in deleting the selected group.) Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine said references' teaching of PTT with Loppen's teaching of sending speech traffic over the user-plane and sending call-setting signals using the control plane functions so that logical connections can be preset and thus connection set-up time can be shortened (Lopponen, [0012]).

Regarding claim **17 and 18**, Mathis, Griffin and Lopponen teach an apparatus which corresponds to the method of claim 14. Therefore, they are rejected for the same reasons as claims 14.

Regarding claims **20-23**, they are claim directing towards computer readable medium and apparatus claims that correspond to claim 14. Therefore, they are rejected for the same reasons as claims 14.

Regarding claim **24**, Mathis, Griffin and Lopponen teach an apparatus as claimed in claim 17, wherein said controller comprises at least one programmable unit (Griffin [31]).

Regarding claim **25 and 28**, Mathis, Griffin and Lopponen teach an apparatus as claimed in claim 17/21, wherein said controller comprises at least one of a signal processor and a central processing unit (Griffin [31]).

Regarding claims **26 and 27**, they are apparatus claims that correspond to claim 25. Therefore they are rejected for the same reasons as claim 25.

Regarding claim **29**, Mathis, Griffin and Lopponen teach an apparatus as claimed in claim 21, wherein said apparatus comprises a subscriber terminal having a speech communication capability (Griffin [31]).

Regarding claim **30**, Mathis, Griffin and Lopponen teach an apparatus as claimed in claim 21, wherein said apparatus comprises a computer device having a capability for speech communication over Internet (Griffin, [30] and abstract).

Response to Arguments

Applicant's arguments with respect to claims *14, 17, 18 and 21-30* have been considered but are moot in view of the new ground(s) of rejection.

The examiner notes that the proposed amendment appeared to overcome the prior art during the interview. However, upon further consideration and arriving at a different way of interpretation of the claim, the cited prior still reads on the amended limitations. Applicant's representative explanation of where the "deleting of the user's selection of the ad-hoc group from the phone book" is supported in the specification was: since the ad-hoc group was created dynamically during the call, deleting the ad-hoc group call would inherently mean that the selected ad-hoc from the phone book is deleted. Thus, by the same token, the same inherency would apply to the cited prior arts. Griffin teaches dynamic selection of the ad-hoc group ([39-41]). The ad-hoc group was first dynamically created. Lopponnen teaches after some time of inactivity or a command to end the push-to-talk is received from the user, the radio bearer is released ([0005, 122]) which means the dynamically created resources and selected group would

be released/deleted. Since the bearer and link was setup to be associated with and

based on the selected group, releasing this bearer/link would also entail in deleting the

selected group.

Conclusion

     Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

     A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

     Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUNG LAM whose telephone number is (571) 272-6497. The examiner can normally be reached on M - F 9 - 5:30 pm, Every Other Friday Off.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

     Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

     /VINCENT P. HARPER/
     Supervisory Patent Examiner, Art Unit 2617